

BOARD OF SELECTMEN

Minutes of the Meeting of 22 July 2009. The meeting took place in the Court Room, Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, Allen Reinhard, and Patricia Roggeveen. Chairman Kopko called the meeting to order at 6:50 PM following meetings of the County Commissioners, NRTA Advisory Board, and Board of Health.

Chairman Kopko noted agenda items VII. 1. and V. 3. will be discussed immediately following public comment.

ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed 2009 committee/board/commission vacancies not filled in June.

Senator O'Leary and Representative Madden will be holding public office hours in the Town Building conference room on Monday, 27 July 2009 from 12:00 to 1:00 PM. The Board will meet with the Senator and Representative from 11:00 AM to 12:00 PM.

There is no Board meeting next week. The next Wednesday Board meeting will be 5 August 2009.

The Nantucket Tree Fund is holding a benefit Thursday, 23 July 2009 at 6:00 PM at Jetties Beach.

PUBLIC COMMENT

Energy Study Committee chair Barbara Gookin said National Grid has petitioned the Department of Public Utilities for a rate increase and encouraged the Board to comment. The Board will review a draft letter and vote on taking action at its 27 July 2009 meeting.

TOWN MANAGER'S REPORT

2009 Special Town Meeting Schedule Review/Request for Confirmation of Dates. Ms. Gibson explained the Town needs a Special Town Meeting for two budgetary items: the FY 2010 Sewer Enterprise Fund budget and the FY 2010 Solid Waste Enterprise Fund budget. Ms. Gibson reviewed possible additional articles for the proposed 21 September 2009 Special Town Meeting and reviewed the proposed timeline for the meeting, noting the Board needs to approve the meeting date and open the warrant tonight as well as endorse the timeline. She said the Town Clerk and the Moderator have both signed off on the proposed timeline. Mr. Atherton said he feels it is appropriate to leave the warrant open until Monday, 27 July 2009 to give citizens time to submit articles. Ms. Gibson reviewed the process by which citizens can submit warrant articles. Mr. Atherton moved to open the warrant tonight, close the warrant Monday, 27 July 2009 at 4:00 PM, and hold the Special Town Meeting on Monday, 21 September 2009 at 6:00 PM; Ms. Roggeveen seconded. All in favor, so voted. Planning Director Andrew Vorce reviewed two warrant articles for Board consideration.

CITIZEN/DEPARTMENTAL REQUESTS

Sherburne Commons: Discussion of Requested Zoning Changes. Chairman Kopko noted that in previous deliberations, the Board agreed to consider sponsoring certain warrant articles relating to Sherburne Commons. Attorney Steven Cohen, representing Sherburne Commons, Inc., the non-profit owner of the facility, reviewed the zoning changes being requested including allowing a for-

profit operator; lowering the minimum age requirement; allowing skilled nursing; and allowing condominium ownership, and asked that the Board sponsor the warrant articles, thus relieving Sherburne Commons from the citizen warrant article process. He also reviewed potential lease issues which he said need the Board's attention and possible Special Town Meeting approval, including payment of rent and taxes, and the affordable housing restriction that is currently in place and for which Sherburne Commons was awarded Community Preservation Act funds. A discussion followed among Board members and Mr. Cohen on the requested zoning changes. Mr. Atherton moved to sponsor a warrant article on behalf of Sherburne Commons to allow a for-profit operator, noting Board sponsorship does not indicate endorsement of the article; Mr. Reinhard seconded. All in favor, so voted. Mr. Reinhard moved to sponsor a warrant article on behalf of Sherburne Commons to allow for skilled nursing, noting Board sponsorship does not indicate endorsement of the article; Ms. Roggeveen seconded. All in favor, so voted. Mr. Reinhard moved to sponsor a warrant article on behalf of Sherburne Commons to lower its minimum age requirement, noting Board sponsorship does not indicate endorsement of the article; Ms. Roggeveen seconded. All in favor, so voted. A discussion followed regarding allowing condominium ownership. Mr. Reinhard moved to sponsor a warrant article on behalf of Sherburne Commons to allow condominium ownership, noting Board sponsorship does not indicate endorsement of the article; Ms. Roggeveen seconded. So voted 3-2. Mr. Atherton and Mr. Chadwick were opposed. Finance Committee chair Jim Kelly said that allowing skilled nursing at Sherburne Commons might increase the deficit at Our Island Home. A discussion followed regarding affordable housing, taxes and rent. Town Counsel Paul DeRensis noted these matters cannot be warrant articles and must be part of a lease. Chairman Kopko noted negotiations regarding affordable housing are between the Community Preservation Committee and Sherburne Commons, Inc., and does not involve the Board of Selectmen. Mr. Atherton, regarding Mr. Kelly's comment concerning skilled nursing and Our Island Home, read the following proclamation: "Whereas the Town of Nantucket is concerned about both the short- and long-term financial viability of Our Island Home; and whereas the Town of Nantucket realizes the difficulty faced by the residents of Sherburne Commons; the Board of Selectmen, acting in the interests of the community-at-large and the taxpayers of Nantucket, hereby convenes a steering committee of citizens to ascertain the financial feasibility of combining Our Island Home and Sherburne Commons on the Town-owned property currently leased to Sherburne Commons; and, further, that private funding be sought to underwrite such a feasibility study, with recommendations to be made to the Board of Selectmen in time for the community to consider the results prior to a Special Town Meeting."

SELECTMEN'S REPORTS/COMMENT

2009-2010 Goals and Objectives Discussion (continued from 24 June 2009; 8 July 2009).

Continued to 5 August 2009.

District Attorney Office Open Meeting Law Presentation. Postponed to a future date to be determined.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 21 January 2009 at 6:00 PM; 22 January 2009 at 10:00 AM; 28 January 2009 at 6:00 PM. The minutes of 21 January 2009 at 6:00 PM; 22 January 2009 at 10:00 AM; and 28 January 2009 at 6:00 PM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrants for Weeks Ending 12 July 2009 and 19 July 2009. The payroll warrants for weeks ending 12 July 2009 and 19 July 2009 were approved by the unanimous consent of the meeting.

Approval of Treasury Warrants for 15 July and 22 July 2009 and Pending Contracts for 22 July 2009. The treasury warrants for 15 July and 22 July 2009 and pending contracts for 22 July 2009 were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Historic District Commission: Request for Legal Counsel Regarding Appeal of Historic District Commission Disapproval of Certificate of Appropriateness No. 53732 for Property Located at 3 Martins Lane (continued from 8 July 2009). Ms. Gibson noted there is a conflict issue with Town Counsel representing both the Historic District Commission (HDC) and the Board. Mr. Atherton moved to sign a waiver of conflict to allow dual representation; Mr. Reinhard seconded. Chairman Kopko said he feels a waiver is a bad idea and sets a bad precedent. Mr. Reinhard said he was also concerned about setting precedent. Attorney Steven Cohen, representing the appellant, objected to the motion. HDC Administrator Mark Voigt said its request was for legal representation, not legal advice. A discussion followed between the Board and Mr. Voigt regarding whether the HDC can have legal representation vs. a legal opinion. On Mr. Atherton's motion, so voted 3-2. Chairman Kopko and Mr. Reinhard were opposed.

Ms. Gibson asked the Board to consider a pending contract addition for a grant application in the amount of \$2,800 for the Police Department to allow extra patrols in enforcement and education. The grant application was approved by the unanimous consent of the meeting.

Planning Office: Request for Approval of Amendment to Home Rule Petition Authorizing the Town of Nantucket to Transfer Certain Land Located at 1, 3 and 7 Miacomet Road from Open Space Designation to the Town of Nantucket for Municipal Purposes and Dedicate Three Other Parcels within the Same Location from Municipal Use to Open Space, House Bill 3816. Planning Director Andrew Vorce said the request is a "housekeeping" issue and has already been voted on at Town Meeting, noting it is a legislative language change which would allow swapping land for open space and municipal purposes. Mr. Atherton moved to approve the final version of the Home Rule Petition as presented (attached); Mr. Reinhard seconded. All in favor, so voted.

Mr. Vorce asked the Board to approve House Bill 4134 regarding Muskeget Island and legislation allowing transfer of the Town's land to the Nantucket Land Bank. He said it would involve deletion of language referencing any other entities other than the Land Bank. Mr. Reinhard moved to approve the language for House Bill 4134 (attached); Ms. Roggeveen seconded. All in favor, so voted.

PUBLIC HEARINGS

Public Hearing to Consider Application for New Entertainment License for Orbrieo, Inc. d/b/a Fifty-Six Union, Wendy J. Clinton-Jannelle, Manager, for Premises Located at 56 Union Street, Nantucket. Chairman Kopko opened the public hearing. Wendy Jannelle spoke in favor of the application. Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the application for a new entertainment license for Fifty-Six Union; Ms. Roggeveen seconded. All in favor, so voted.

Public Hearing to Consider Application for Transfer of Annual All-Alcoholic Beverages Restaurant License from Winthrop Nantucket Two Ltd Partner d/b/a Atlantic Cafe, John O'Connor, Manager to Cy's LLC d/b/a Cy's Lobster Pot, Scott Corry, Manager, for Premises Located at 15 South Water Street, Nantucket. Chairman Kopko opened the public hearing. Scott Corry spoke in favor of the application. Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the application for transfer of an Annual All-Alcoholic Beverages Restaurant License from Winthrop Nantucket Two Ltd Partner to Cy's LLC; Ms. Roggeveen seconded. All in favor, so voted.

TOWN MANAGER'S REPORT

Traffic Safety Work Group Recommendation: Elimination of Parking Spaces on Mill Street near Intersection with Pleasant Street. Traffic Safety Work Group member Jack Gardner spoke in favor of the recommendation. Mr. Chadwick moved to approve the elimination of parking spaces on Mill Street near the intersection with Pleasant Street as presented; Ms. Roggeveen seconded. All in favor, so voted.

Mr. Chadwick moved to ask Town Counsel to draft language to eliminate the Board of Selectmen as the appeal board for the Historic District Commission. It was agreed to place the matter on the next agenda.

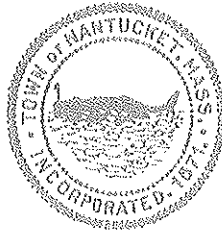
Chairman Kopko said he would like to schedule a public hearing at the end of August to discuss the Boulevard, Monohansett Road and Okorwaw Avenue.

The meeting was unanimously adjourned at 10:08 PM.

Approved the 17th day of March, 2010.

Town and County of Nantucket
Board of Selectmen • County Commissioners

Michael Kopko, Chairman
Rick Atherton
Brian J. Chadwick
Allen B. Reinhard
Patricia Roggeveen



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Nantucket, Massachusetts 02554

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C. Elizabeth Gibson
Town & County Manager

The Board of Selectmen of the town of Nantucket hereby approves an amendment to the Home Rule Petition authorizing the town to transfer certain land from open space designation to the town for municipal purposes and to dedicate 3 other parcels from municipal use to open space, House Bill 3816, proposed by the General Court.

The amendment, striking out all after the enacting clause, provides as follows:

"SECTION 1. The town of Nantucket, acting by and through its board of selectmen, may release from open space and use for any lawful general municipal purpose, or may sell, convey or transfer a portion of that certain parcel in the town of Nantucket located at 1 Miacomet road, shown as parcel 345 on assessor's map 67. The portion of said parcel 345 that may be released from open space and transferred by the town of Nantucket contains 20,806 square feet and is shown as "Lot

A" on the plan entitled "Exhibit A Plan in Nantucket, Mass., Prepared for Town of Nantucket," dated January 18, 2008, prepared by Blackwell & Associates, Inc. and on file in the Nantucket Planning Office.

SECTION 2. In consideration for and as a condition of the release and transfer authorized in section 1, the town of Nantucket shall release 3 lots located within parcels 680 and 679 on said assessor's map 67 at 5 and 7 Miacomet road, respectively, from general municipal use and designate them as open space. The lots, totaling 25,961 square feet, are shown as "Lots B, C and D" on said plan prepared for the town by Blackwell & Associates, and shall be dedicated to open space or transferred to the Nantucket Islands Land Bank for conservation and open space purposes.


SECTION 3. This act shall take effect upon its passage."

Attested by:



Catherine Flanagan Stover, Town Clerk

Town Seal:


Selectman

7/12/09
Date


Selectman

7-22-09
Date


Selectman

7-22-09
Date


Selectman

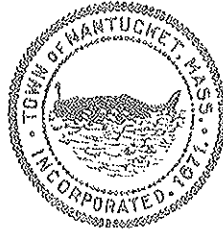
7-26-09
Date


Selectman

7-22-09
Date

Town and County of Nantucket
Board of Selectmen • County Commissioners

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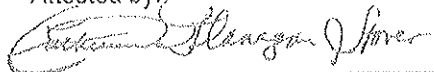
SECTION 3. If the land released pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Nantucket and be dedicated to open space.

SECTION 4. This act shall take effect upon its passage.”

BOARD OF SELECTMEN

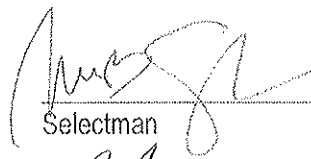
TOWN OF NANTUCKET


Attested by:

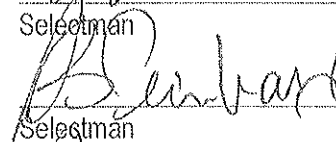



Catherine Flanagan Stover, Town Clerk


Town Seal:

 7/22/09
Selectman Date

 072209
Selectman Date

 7/22/09
Selectman Date

 7-26-09
Selectman Date

 7.22.09
Selectman Date

Town and County of Nantucket
Board of Selectmen • County Commissioners

Michael Kopko, Chairman
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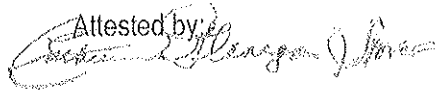
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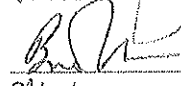

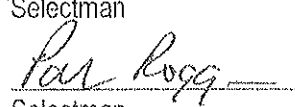
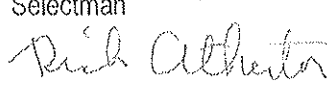
The Board of Selectmen of the town of Nantucket hereby approves an amendment to the Home Rule Petition authorizing the town to transfer certain land at Muskeget Island, House Bill 4134, proposed by the General Court.

The amendment strikes out the language as follows: "a government body of the commonwealth or a non-profit organization whose mission is to conserve natural resources or otherwise dispose of".

Attested by: 

Town Clerk

Town Seal:

	7-27-09
Selectman	Date
	07/22/09
Selectman	Date
	7/22/09
Selectman	Date
	7-26-09
Selectman	Date
	7.22.09
Selectman	Date